

REMARKS

The Official Action dated April 21, 2005 has been carefully considered. Accordingly, the changes presented herein, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

The Examiner objected to claim 7 because of the use of the language "the rods." As claim 1 has been amended by current amendment to use "rods" instead of "loops", the objection has been traversed. Reconsideration is respectfully requested.

The Examiner rejected claims 1-19 under 35 U.S.C. 112 as being indefinite. The examiner asserted that the exact meaning of "a series of three or more closed loops" was not clearly understood. The rejection has been traversed. By present amendment, claim 1 has been amended to describe the basket in terms of a series of U-shaped parallel rods forming a box-like shape with two open ends, and the "loop" terminology has been removed. All other claims have been amended accordingly. Support for amended claim 1 may be found in original claims 3, 4, 8 and 9, and Figures 1-8. Care has been taken to avoid the introduction of new matter, and reconsideration is respectfully requested.

Claims 1, 2, 4-7, and 12-19 were rejected under 36 U.S.C. 102(b) as being anticipated by Robinson (U.S. No. 3,068,634). The Examiner asserted that Robinson disclosed a device for retrieving cones, comprising an elongated handle, a base mount in the form of a rectangle affixed to one end of the handle, a series of at least three loops affixed to the base mount in substantially parallel form to form a basket with two opposing ends capable of holding at least two objects. The Examiner further asserted that Robinson discloses that the loops are formed of a single wire, removably or permanently affixed to the base mount, the base mount is formed from two rectangular pieces affixed to each other in parallel by at least one of more cross bars or pieces, at

least one end of the basket is closed by a continuation of the series of loops or a closing device, and the loops are spaced apart in an array at least a diameter of a golf ball.

The rejection is traversed. As the Examiner notes, Robinson does not disclose a plurality of rods with ends affixed to the base mount where the rods (or loops) are U-shaped with two bends at approximately 90-degree angles to form a basket with a flat bottom face (see original claims 3, 8-11 of the present application). By present amendment, claim 1 has been amended to incorporate these elements, and now recites a box-shaped basket with a top, base, two opposing sides and two opposing ends, capable of holding two or more objects, wherein the base mount forms the top of the basket, and two opposing sides and the base of the basket are formed from a series of three or more generally U-shaped rods each with a first end and a second end and a transverse base section and two parallel side sections, said rods being affixed at their first and second ends to the base mount, wherein each rod is substantially parallel to and not in contact with the other rods and each section of each rod is substantially parallel to corresponding sections of the other rods, so that the two opposing ends of the basket are open. The basket of Robinson, in contrast, is cylindrical, does not have a flat bottom face, and is formed from a single wire. Claims 2, 4 and 17 also have been canceled. Accordingly, as the rejection of claim 1 has been traversed, the rejection of claims 5-7 and 12-16, and 18-19 has been traversed as well. Reconsideration is respectfully requested.

Claims 1-4, 6-14, 16, 17 and 19 were rejected under 36 U.S.C. 102(b) as being anticipated by McDonald (U.S. Pat. No. 4,322,939). The Examiner asserted that McDonald discloses a device for retrieving objects, comprising an elongated handle, a metal base flat plate in the form of a rectangle, a series of at least three loops affixed to the base mount in substantially parallel form to form a basket with two opposing ends capable of holding at least two objects. The Examiner asserted that the upper portion and bottom portion of the loops were parallel to each

other, that the loops were formed from a single rod or wire or from a plurality of curved wires with two ends fixed to a base mount, each loop is bent in at least two places with two of the bends at approximately 90 degrees, the bottom face of the loops being flat, and the loops are flexible enough to allow objects to be squeezed between the loops into the basket so the gathered objects will not fall through the spacing of the loops.

The rejection is traversed. As discussed above, claim 1 has been amended to recite a box-shaped basket with a top, base, two opposing sides and two opposing ends, capable of holding two or more objects, wherein the base mount forms the top of the basket, and two opposing sides and the base of the basket are formed from a series of three or more generally U-shaped rods each with a first end and a second end and a transverse base section and two parallel side sections, said rods being affixed at their first and second ends to the base mount, wherein each rod is substantially parallel to and not in contact with the other rods and each section of each rod is substantially parallel to corresponding sections of the other rods, so that the two opposing ends of the basket are open. The shape and operation of the basket of the present invention is readily distinguishable from the basket of McDonald. Each section of the rods forming the basket of the present invention are parallel to the corresponding section of the other rods, whereas the sides of the tines of McDonald are not parallel, as clearly seen in Figure 3 thereof. Furthermore, the rods forming the basket of the present invention are recited as U-shaped, whereas the tines of McDonald are oval, as seen in Figure 2 thereof, and show no bend of 90 degrees (the sides of the tines of McDonald form sections of circles). In addition, the device of McDonald does not operate by squeezing the fruit between flexible tines which move aside to admit the fruit. The front ends of the tines are spaced and angled to serve as a guide for the fruit, and the spacing must be such that the fruit will easily pass through the spacing between the front curved ends of the basket as the basket is slid forward along the ground (see col. 2, lines 43-48; col. 3, lines 8-20).

The spacing on the rear and bottom is smaller to prevent the fruit from falling through that spacing (see col. 2, lines 41-43). In contrast, the spacing of the rods of the present invention does not allow the objects to freely pass through the spacing, but instead the rods flex to either side of the object and spring back into place after the object passes through the base of the basket as the basket is placed on top of the object to be retrieved and pushed down. As the rejection of claim 1 has been traversed, the rejection of claims 3, 6-7, 9-14, 16 and 19 has been traversed as well. Reconsideration is respectfully requested.

Furthermore, with specific regard to claims 12, 13, 14, and 16, the Applicant finds no teaching or suggestion in McDonald of end-pieces. The Examiner erroneously calls the side sections of the loops or rods (ref. 18, 20, 22, 24) end-pieces. The side sections of the loops cannot serve as side sections of the loops and as the open ends of the basket. The open ends of the basket of McDonald that correspond to the open ends of the present invention are the open spaces formed by the loops at the outside of the basket (ref. 22 and 24). McDonald does not disclose any end-pieces closing off these open ends. There also is no suggestion that the outside loops (ref. 22 and 24) are hingeably attached to the base mount. Furthermore, claim 1 has been amended to recite that the open ends of the basket are parallel. As seen in Figures 1 and 4 of McDonald, the open ends of the basket of McDonald are not parallel. Reconsideration is respectfully requested.

Claims 1-4, 6, 8-11, 18 and 19 were rejected under 35 U.S.C. 102(b) as being anticipated by Hartley et al. (U.S. Pat. No. 3,115,740). The Examiner asserted that Hartley disclosed a device comprising an elongated handle, a base mount, a series of at least three loops affixed to the base mount in substantially parallel form to form a basket with two opposing ends capable of holding at least two objects, where the loops are formed from a plurality of bent wires or rods, permanently affixed to the base mount, bent in at least two places at approximately 90 degrees,

the bottom of the loops are substantially flat, and the loops are spaced apart at least a diameter of a nut, which can be the diameter of a golf ball.

The rejection is traversed. As discussed above, claim 1 has been amended to recite that the rods forming the basket do not contact each other. As seen in Figure 1 of Hartley, each tine has one or two adjacent tines (ref. 16) that are flared (ref. 19) and connect together near the front of the device (ref. 18) (note that the front of the device actually is the "base" of the elongated U-shape). In addition, the base mount of the present invention forms the top of the basket, whereas the base mount of Hartley forms the back of the basket. This also has lead to the Examiner mistaking the equivalent "side" of the Hartley basket for the "base": the base side of the basket of the present invention is the bottom transverse section of the U-shape, and is opposite the base mount. The corresponding bottom or base section of Hartley thus is the bottom of the U-shape (ref. 18) which actually corresponds to the front of the basket, and is not flat. Furthermore, Applicant finds no suggestion or teaching of an end-piece in Hartley. In fact, the "top" of the Hartley basket is open, and items collected are discharged by turning the basket over and dumping the items out (see col. 2, lines 56-59). Additionally, Applicant finds no teaching or suggestion of the tines being flexible enough to spread apart to allow an object to pass into the basket and spring back into place to retain it. The device of Hartley operates by having openings at the front of the basket large enough to received items lying on the ground as the device is slid forward (col. 2, lines 38-27). Hartley requires the flared tines in order to reduce the spacing in the back section of the basket behind the front to retain the objects collected. The present invention avoids this requirement by having the rods of the basket being flexible enough to move to the side to admit the object into the basket. Accordingly, the rejection of claims 1, 3, 6, 9-11, 18 and 19 has been traversed, and reconsideration is respectfully requested.

Claims 1-4, 6, and 8-19 were rejected under 35 U.S.C. 102(e) as being anticipated by Fu (U.S. No. 6,481,768). The Examiner asserted that Fu discloses a device for retrieving golf balls, comprising an elongated handle, a base mount in the form of a rectangle affixed to the end of the handle, a series of at least three loops affixed to the base handle in substantially parallel form to form a basket with two opposing ends capable of holding at least two objects, the loops being formed from a plurality of bent rods with two ends permanently attached to the base mount, with bends of approximately 90 degrees, the bottom faces of the loops are flat, both ends of the basket being closed by a series of loops or end pieces with closing devices, and spaced apart in an array a distance at least the diameter of a golf ball.

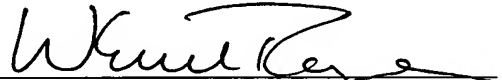
The rejection is traversed. As discussed above, claim 1 has been amended to recite a box-shaped basket formed from at least three U-shaped rods with all sections of the rods being parallel to corresponding sections of the other rods. As clearly seen in Figure 4 of Fu, the basket of Fu is not box-shaped, and the side sections of the basket are not parallel (the side sections expand radially from the base mount). In addition, while each loop in Fu has a flat bottom face, the fact that the sides are not parallel means that the basket of Fu does not have a flat bottom. As can be clearly seen in Figures 4-6 of Fu, the basket of Fu forms half of a cylinder, and the bottom is curved, not flat. Furthermore, Figure 3 of Fu demonstrates clearly that the loops of Fu are not spaced apart at least the diameter of a golf ball, but instead are spaced less than the diameter of a golf ball (see col. 2, lines 28-33). If the spacing were larger than a golf ball, the device could not be used to pick up golf balls. Accordingly, the rejection of claims 1, 3, 6, 9-16, and 18-19 has been traversed, and reconsideration is respectfully requested.

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald. The Examiner asserted that it would have been obvious to modify the spacing of McDonald to be smaller so that it could be used for smaller fruits.

The rejection is traversed. As discussed above, claim 1 has been amended, and the present invention is distinguishable from the device of McDonald. In particular, McDonald does not suggest or teach a series of U-shaped rods wherein all sections of the rods are parallel to corresponding sections of the other rods. Accordingly, the rejection of claim 18 has been traversed, and reconsideration is respectfully requested.

It is believed that the above represents a complete response to the rejections under 35 U.S.C. 112, 102 and 103(a), and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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